

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

UNITED STATES OF AMERICA, et al.,)	
)	
Plaintiffs,)	
)	
v.)	
)	Civil Action No.: 7:16-cv-462-GEC
SOUTHERN COAL CORPORATION, et al.,)	
)	
Defendants.)	

**DEFENDANT’S MOTION TO FILE EXHIBIT 3 TO DEFENDANT’S MEMORANDUM
IN OPPOSITION TO MOTION TO COMPEL UNDER SEAL**

The Defendants, pursuant to Local Rule 9, hereby move this Court for an Order permitting Exhibit 3 to be filed under seal. Exhibit 3 is a 2020 letter sent by Defendants’ counsel to Government officials in the United States Department of Justice- Environmental and Natural Resources Division. The letter and its numerous attachments detail sensitive financial and business information of the Defendants, including balance sheets and profit/loss statements.

In support of this Motion the Defendants state that public disclosure of the confidential information contained in the aforementioned documents might place the Defendants at a disadvantage with respect to their existing and potential competitors or creditors, who would gain access to sensitive financial information, asset breakdowns, operating expenses, and other confidential business information of the Defendants. The Defendants are closely held corporations and the information contained in the financial documents at issue is not otherwise publicly available. Defendants submit that the factors set forth in *Ashcraft v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000) are satisfied here and that the Defendants’ request is otherwise proper.

A proposed order is attached hereto as Exhibit A.

WHEREFORE, the Defendants request that the Court grant their Motion to Seal and authorize the filing of Exhibit 3 under seal.

Respectfully Submitted,

SOUTHERN COAL CORPORATION, et al.

Dated: March 26, 2021

By: /s/ Aaron Balla Houchens
Of Counsel

Aaron B. Houchens, Esq. (VSB #80489)
AARON B. HOUCHENS, P.C.
111 E. Main Street
P.O. Box 1250
Salem, Virginia 24153
Tel.: 540-389-4498
Fax: 540-339-3903
aaron@houchenslaw.com

Michael Warren Carey
Carey, Douglas, Kessler & Ruby, PLLC
901 Chase Tower
707 Virginia Street, East
Charleston, WV 25301
304-345-1234
Fax: 304-342-1105
mwcarey@csdlawfirm.com
Admitted Pro Hac Vice

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of March 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notice of such filing to registered users.

/s/ Aaron Balla Houchens